

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

DUSTIN YOUNG,

Petitioner, : Case No. 1:23-cv-037

- vs -

District Judge Michael R. Barrett
Magistrate Judge Michael R. Merz

JOHN R. SWANEY,

:
Respondent.

DECISION AND ORDER IN RESPONSE TO REPLY

This habeas corpus case is before the Court on Petitioner's Reply and Miscellaneous Motion for Relief (ECF No. 15).

Contemporaneously with this Order, the Magistrate Judge has recommended that the Sheriff of Madison County, Ohio, be dismissed as a party Respondent and has invited Petitioner to move to substitute the Butler County Court of Common Pleas whose Probation Department had custody of Petitioner when this case was filed. Provided that is done, the Magistrate Judge intends to issue a new order for answer directed to the Butler County Court. That order will require the new Respondent to file an answer that complies with Rule 5 of the Rules Governing § 2254 Proceedings and a properly constructed and indexed State Court Record. If the State Court Record as filed by the new Respondent does not include all documents necessary to adjudicate the case, Petitioner will be free at that time to re-filed his motion for expansion of the record.

The Miscellaneous Motion for Relief (ECF No. 15) is found to be moot.

October 10, 2023.

s/ Michael R. Merz
United States Magistrate Judge